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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,412

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Min Jang

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EXAMINER

YUEN, KAN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/628,412	Applicant(s) JANG, MIN	
	Examiner Kan Yuen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,12-14,16-18,20,22-26 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20,22,23,25,26 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,12-14,16-18 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments, see remark page, filed 1/7/2008, with respect to the rejection(s) of claim(s) 1, 18, 20, and 24 under 103 rejections have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Foti (Pat No.: 6839323).

Claim Objections

2. Claim 3 is objected to because of the following informalities:

Claim 3 is depending on itself. Applicant is suggested to fix the mistake.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 16-18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foti (Pat No.: 6839323), In view of Aggarwal et al. (Pub No.: 2003/0063599).

For claim 1, Foti disclosed the method of determining if a target IP address is an active address (see column 4, lines 27-50, fig. 2). For example, the terminal-1 is the subscriber to be monitored. After terminal-1 sends an ARQ message to the gatekeeper, the gatekeeper performs bandwidth allocation and then sends a query message to the monitoring station. The query message includes the H.245 source and destination addresses for the call; if the target IP address is an active address, determining if a packet call corresponding to the target IP address exists in a packet data protocol context database (see column 4, lines 27-50, fig. 2). The monitoring station checks the database and indicating to the gatekeeper whether any of the parties in the call should be monitored if the target IP address does exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address (see column 4, lines 27-50, fig. 2). When the monitoring station returns a monitor reply message to the gatekeeper indicating terminal-1 is being monitored, the gatekeeper sets a flag in the terminal-1 record; and performing at least one of a tracing or monitoring operation for the packet call or target IP address based on the set trigger flag (see column 4, lines

27-67, column 5, lines 1-15, fig. 2). After setting the flag, the gatekeeper sends a monitoring request message to the access router associated with the terminal-1 and includes the monitoring station IP address and the unique call ID for that call. Access router-1 sends back an Ack message agreeing for monitoring corresponding to the call.

However, Foti did not disclose the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address. Aggarwal et al. from the same or similar fields of endeavor teaches the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address (see paragraphs 0029, and 0048 and see fig. 2). In network monitor 200, the call data store 208 that stores a list of call IDs. When neither source nor destination address is found then the H.245 message is tagged with an ID designated to identify unknown IP telephone calls. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Aggarwal et al. in the network of Foti. The motivation for using the method as taught by Aggarwal et al. in the network of Foti being that it monitoring accuracy.

Regarding claim 3, Foti disclosed the method of the Internet protocol address is one of: a static internet protocol address; or a dynamically allocated internet protocol address (see column 4, lines 27-67).

Regarding claim 4, Foti disclosed the method of the searching is responsive to a request from a network management center including identification of the network address (see column 4, lines 27-67).

Regarding claim 5, Foti disclosed the method of the request from the network management center is responsive to a request from an internet protocol network including identification of the network address (see column 4, lines 27-67).

Regarding claim 16, Foti disclosed the method of a serving GPRS support node implements one or more of the determining, setting, or performs steps (see column 4, lines 27-67).

Regarding claim 17, Foti disclosed the method of a gateway GPRS support node implements one or more of the determining, setting, or performs steps (see column 4, lines 27-67).

Regarding claim 18, Foti disclosed the method of an interface to an internet protocol network (see fig. 1, Access Router-1); and a means for tracing or monitoring a packet call of a mobile communication subscriber who has connected to the internet protocol network through the interface (see fig. 1, Terminal-1, see column 3, lines 52-67), wherein said means includes a processing circuit to: check if a target IP address is an active address (see column 4, lines 27-50, fig. 2). For example, the terminal-1 is the subscriber to be monitored. After terminal-1 sends an ARQ message to the gatekeeper, the gatekeeper performs bandwidth allocation and then sends a query message to the monitoring station. The query message includes the H.245 source and destination addresses for the call; if the target IP address is an active address, determining if a packet call corresponding to the target IP address exists in a packet data protocol context database (see column 4, lines 27-50, fig. 2). The monitoring station checks the database and indicating to the gatekeeper whether any of the parties in the call should

be monitored; if the target IP address does exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address (see column 4, lines 27-50, fig. 2). When the monitoring station returns a monitor reply message to the gatekeeper indicating terminal-1 is being monitored, the gatekeeper sets a flag in the terminal-1 record; and tracing or monitoring the packet call based on the set trigger flag (see column 4, lines 27-67, column 5, lines 1-15, fig. 2). After setting the flag, the gatekeeper sends a monitoring request message to the access router associated with the terminal-1 and includes the monitoring station IP address and the unique call ID for that call. Access router-1 sends back an Ack message agreeing for monitoring corresponding to the call.

However, Foti did not disclose the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address. Aggarwal et al. from the same or similar fields of endeavor teaches the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address (see paragraphs 0029, and 0048 and see fig. 2). In network monitor 200, the call data store 208 that stores a list of call IDs. When neither source nor destination address is found then the H.245 message is tagged with an ID designated to identify unknown IP telephone calls. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Aggarwal et al. in the network of Foti. The motivation for using the method as taught by Aggarwal et al. in the network of Foti being that it monitoring accuracy.

Regarding claim 24, Foti disclosed the method of transmitting a target Internet protocol (IP) address subject to a request for tracing or monitoring to a network management center; (see column 4, lines 27-50, fig. 2). For example, the terminal-1 is the subscriber to be monitored. After terminal-1 sends an ARQ message to the gatekeeper, the gatekeeper performs bandwidth allocation and then sends a query message to the monitoring station. The query message includes the H.245 source and destination addresses for the call; requesting packet call tracing or monitoring of the target IP address to an SGSN tracing or monitoring the packet call of the target IP address (see column 4, lines 27-50, fig. 2). The gatekeeper sends a query message to the monitoring station for tracing; and wherein said call tracing or monitoring of the target IP address is activated determining that the packet call having the target IP address does exist in a packet data protocol context database setting a trigger flag of the target IP address (see column 4, lines 27-67, fig. 2); and if the packet call having an IP address with the set trigger flag exists in the packet data protocol context database, starting the packet call tracing or monitoring of the target IP address (see column 4, lines 27-67, fig. 2). When the monitoring station returns a monitor reply message to the gatekeeper indicating terminal-1 is being monitored, the gatekeeper sets a flag in the terminal-1 record; transmitting a result of the packet call tracing or monitoring to the network management center (see column 4, lines 27-67, column 5, lines 1-17 fig. 2). The access router sends the monitoring packets related about the monitoring to the monitoring station;

However, Foti did not disclose the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address. Aggarwal et al. from the same or similar fields of endeavor teaches the method of if the target IP address does not exist in the packet data protocol (PDP) context database, setting a trigger flag for the target IP address (see paragraphs 0029, and 0048 and see fig. 2). In network monitor 200, the call data store 208 that stores a list of call ids. When neither source nor destination address is found then the H.245 message is tagged with an ID designated to identify unknown IP telephone calls. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Aggarwal et al. in the network of Foti. The motivation for using the method as taught by Aggarwal et al. in the network of Foti being that it monitoring accuracy.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foti (Pat No.: 6839323), In view of Aggarwal et al. (Pub No.: 2003/0063599), as applied to claim 1 above, and further in view of Egan et al. (Pat No.: 6937572).

For claim 12, Foti and Aggarwal et al. did not disclose the method of if it is determined that the target IP address exists in the packet data protocol context database, then performing at least one of tracing or monitoring of the packet call or the target IP address without setting said trigger flag for the target IP address. Egan et al. from the same or similar fields of endeavor teaches the method of if it is determined that

the target IP address exists in the packet data protocol context database, then performing at least one of tracing or monitoring of the packet call or the target IP address without setting said trigger flag for the target IP address (Egan et al. see column 2, lines 1-27). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method as taught by Egan et al. in the network of Foti and Aggarwal et al. The motivation for using the method as taught by Egan et al. in the network of Foti and Aggarwal et al. being that it monitoring accuracy.

Regarding claim 13, Egan et al. disclosed the method of transmitting results of the at least one of tracing or monitoring the target IP address (Egan et al. see column 4, lines 25-40).

Regarding claim 14, Egan et al. disclosed the method of the transmitting is to a network management center (Egan et al. see column 4, lines 25-40).

Allowable Subject Matter

7. Claims 20, 22, 23, 25, 26, 31 are allowed. The prior art failed to the method of deactivating the packet call tracing or monitoring after a predetermined period of time, said deactivating including: receiving input of the target IP address subject to inactivation through the network management center; checking whether the packet call tracing or monitoring of the target IP address is in an active state; and if it is checked that the packet call tracing or monitoring of the target IP address is in the active state,

terminating the activation and transmitting a result of the inactivation, and wherein:
if it is checked that the packet call tracing or monitoring corresponding to the target IP address is in the inactive state, checking whether a trigger flag for the tracing and monitoring of the target IP is set; and if it is checked that the trigger flag is set, removing the trigger flag and terminating tracing or monitoring of the packet call of the target IP address, as recited in claim 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-1413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/628,412
Art Unit: 2616

Page 11

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KY


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